

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM MARTENIES,

Case No.: 3:22-cv-00222-MMD-CSD

Plaintiff

Report & Recommendation of United States Magistrate Judge

V.

KILOLO KIJAKAZI,
Acting Commissioner of
Social Security,

Defendant

This Report and Recommendation is made to the Honorable Miranda M. Du, Chief United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff, appearing *pro se*, filed an application to proceed *in forma pauperis* (IFP) and complaint seeking review of the final decision of the Social Security Administration concerning his request for benefits. (ECF Nos. 1, 1-1.) The court granted the IFP application and allowed the complaint to proceed. (ECF No. 5.) On August 8, 2022, the court issued an order that Plaintiff file a motion for reversal and/or remand. (ECF No. 18.) Plaintiff did not timely file a motion for reversal and/or remand. On October 14, 2022, the court gave Plaintiff an additional 30 days, until November 14, 2022, to file his motion for reversal and/or remand. Plaintiff was cautioned that a failure to comply with the order may result in dismissal of this action. (ECF No. 19.) Plaintiff did not timely file a motion for reversal and/or remand. The court has had no other contact from Plaintiff. Therefore, it is recommended that this action be dismissed without prejudice.

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**
this action **WITHOUT PREJUDICE.**

4 The parties should be aware of the following:

5 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
6 this Report and Recommendation within fourteen days of being served with a copy of the Report
7 and Recommendation. These objections should be titled “Objections to Magistrate Judge’s
8 Report and Recommendation” and should be accompanied by points and authorities for
9 consideration by the district judge.

10 2. That this Report and Recommendation is not an appealable order and that any notice of
11 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
12 until entry of judgment by the district court.

14 | Dated: February 1, 2023

C S D
Craig S. Denney
United States Magistrate Judge